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Re Application of:

David R. Elmaleh et al.

Serial No: 09/945,166

Filed: August 31, 2001

For: *Targeted Nucleic Acid Constructs and
Uses Related Thereto*

Art Unit: 1635

Attorney Docket No. MGA-003.01

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on August 28, 2002.

Kristen Willett
Kristen Willett

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(b)

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants and/or their attorney in compliance with the requirements of 37 C.F.R. §§ 1.56 and 1.97(b)(3).

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each of the listed documents is material or constitutes "prior art." If the Examiner applies any of the listed documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more documents be applied

against the claims of the present application.

Under 37 C.F.R. § 1.97(b)(3), this Information Disclosure Statement is being submitted before the mailing date of the first Office Action on the merits; therefore, no fees are believed to be due.

Although we believe that we have appropriately provided for any fees due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our Deposit Account No. 06-1448.

Respectfully Submitted,

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